

Sadi R. Antonmattei-Goitia (SBN # 24091383)  
(*Pro Hac Vice*)

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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

MDL No. 3084 CRB

Honorable Charles R. Breyer

**PLAINTIFF'S RESPONSE TO SHOW  
CAUSE ORDER AS TO WHY PLAINTIFFS  
WHO HAVE SUBMITTED NON-BONA  
FIDE RECEIPTS SHOULD NOT BE  
DISMISSED WITH PREJUDICE**

This Document Relates to:

Jane Doe 693827 v. UBER  
TECHNOLOGIES, INC., et al.,

Case No. 3:24-cv-09515-CRB, MDL ID 2774

1 Kherkher Garcia and undersigned counsel represent MDL 2774. Counsel filed the Short-  
2 Form Complaint for MDL 2774 on December 31, 2024. Unbeknownst to Counsel and,  
3 according to Uber's representations to the Court, MDL 2774 had previously filed another Short-  
4 Form Complaint through a different law firm under MDL 1384. MDL 1384's action was  
5 dismissed without prejudice, something Kherkher Garcia and Counsel also did not know.

6 Uber claims that MDL1384 produced a non-bona fide ride receipt in her previous case.  
7 To be clear, this was done as MDL 1384 and while represented by a different law firm, not as  
8 MDL 2774 represented by Kherkher Garcia and Counsel. The Court in Order at ECF 3972 is  
9 requiring MDL 2774 to show cause as to why her claim should not be dismissed with prejudice  
10 because of Uber's allegations that she filed a non-bona fide receipt as MDL 1384.

11 Kherkher Garcia and Counsel have attempted contact with MDL 2774 for a long time  
12 now. Attached herein as **Exhibit A** is the Declaration of Sadi R. Antonmattei-Goitia in Support  
13 of this response. Kherkher Garcia and Counsel have exercised due diligence in reaching MDL  
14 2774 to obtain a copy of her ride receipt. Counsel called her on January 6, 2025, January 22,  
15 2025, emailed Plaintiff on January 6, 2025, January 9, 2025, January 16, 2025, January 22,  
16 2025, August 4, 2025, August 5, 2025. Counsel called and spoke with MDL 2774's emergency  
17 contact, a friend, on January 15, 2025, January 21, 2025, and February 20, 2025. Counsel  
18 followed up with an email and letters sent on January 6, 2025 and August 5, 2025 urging her to  
19 make contact. To date, Counsel's repeated efforts to contact MDL 2774 have been unsuccessful.

20 Kherkher Garcia and Counsel filed a motion to withdraw on August 28, 2025, at 24-cv-  
21 09515, ECF 9. The Court has not yet ruled on this motion to withdraw, pending Uber's request  
22 to dismiss MDL 2774's claims with prejudice.

23 Counsel has not been able to confer with MDL 2774 with regards to the authenticity of  
24 any ride receipt she may have produced as MDL 1384 and therefore cannot here and now show  
25 cause against dismissal with prejudice in that regard. Notwithstanding, Kherkher Garcia and  
26 Counsel submit that the Court should not punish MDL 2774 based on allegations of conduct in  
27 an already dismissed case without affording her an opportunity to respond to Uber's allegations  
28 of ride receipt alteration.

1 Kherkher Garcia and Counsel filed MDL 2774's action with good faith belief in the  
 2 merits of her case. Uber's allegations are not conclusive as to the merits of those claims.  
 3 Dismissing MDL 2774's current claims with prejudice without affording her an opportunity to  
 4 respond through new counsel would be unjust and potentially prejudicial.

5 Kherkher Garcia and Counsel respectfully request that the Court:

- 6 • Grant the pending motion to withdraw as counsel for MDL 2774;
- 7 • Allow MDL 2774 a 30-day period to retain new counsel and respond to the Order to
- 8 Show Cause; and
- 9 • Should MDL 2774 fail to appear or respond within the allotted time, the Court may
- 10 then proceed to dismiss her claims without prejudice.

11 On a final note, Counsel wishes to clarify the statement made in the previously filed  
 12 Response dated September 5, 2025, at ECF 3845, indicating that the ride receipt submitted  
 13 under MDL 1384 was from a "prior, unrelated litigation." Counsel chose words poorly. The  
 14 intention was to express that if Uber's allegations are true, that conduct was undertaken in prior  
 15 litigation unrelated to Kherkher Garcia and Counsel and of which neither had any knowledge.

17 DATED: September 5, 2025

Respectfully Submitted,

19 /s/ Sadi R. Antonmattei-Goitia

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24 *Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 5, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system for filing thereby transmitting a Notice of Electronic Filing to all CM/ECF registrants.

By: /s/ Sadi R. Antonmattei-Goitia  
Sadi R. Antonmattei-Goitia